



1. CALL TO ORDER:

Chairman Hinkle called the meeting to order at 7:02 pm

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Tom Brennan, Jim Ducey, Jere Hinkle, Dale Lucas, Nancy Prindle & Jim Warbritton

Members Absent: Todd Keszler

Additional present: Doug Lammers, Township Zoning Administrator, Jeff Burrell, Target Trucking and 15 people from public.

Dale Lucas, new Planning Commission (PC) member, introduced himself and told a little bit about himself and the opportunity he feels he has, now being on the PC, to give back to the community.

4. APPROVAL OF AGENDA:

Moved by Warbritton and supported by Brennan to approve the agenda with no changes. All ayes, one absent, motion carried.

5. APPROVAL OF JULY 18, 2019 REGULAR MEETING MINUTES

Moved by Brennan and supported by Warbritton to approve the July 18, 2019 minutes with no changes. All ayes, one absent, motion carried.

6. NEW BUSINESS

- A. The PC received a modified site plan with site operational notes earlier this week from Target Trucking that incorporated the supplemental requirements up for review and discussion, (which Hinkle, Ducey & Prindle have been working on) in order for Target's renewal to be considered. (Target has been operating under what started with the Gentleman's Agreement that Mr. Burrell and Jim Stormont signed in the spring of 2018 and supplemental conditions are being brought forward this week.) Prindle took the lead:
- I. #8 - Woven fence – supposed to be completed in 2020, would like to have the fence put up in phases if possible so certain portions could be completed within the next three months. Additionally, there is a portion north of Bohne Rd where the drainage ditch and berms are located that does not need to be fenced as it not easily accessed by the public.
 - II. Discussion of concrete unloading area with no additional material being added
 - o Distinguish between crushing native material (what's been extracted) vs foreign material (from off-site e.g. concrete).
 - o Discussion of location of crushing activities which possibly could be done in the winter months instead of the summer.
 - o Importing foreign materials – how does the PC ensure the material is coming in clean? Ducey gave example of a local guy bringing in concrete that doesn't necessarily bring in an inspection of where the materials have come from etc. How is it managed so that both Target & PC both feel comfortable that the material won't be a problem? Burrell

explained that there is a screening process that has to be followed. Target inspects each load as it comes in. They will not/cannot accept concrete that has paint, asphalt, red brick, insulation etc. stuck to it etc. Everything that's sold by Burrell has to provide an analytical on it prior to sale. He will outline the process and provide to the Commission.

- Crushing will be allowed as long as it's legal and is in designated area.
- Target has already reduced the amount of *inherited* concrete from 100,000 cubic yards to 5,000/7,000 cubic yards and moved it away from the road.
- Discussion to add to the Site Operational Notes as the new #11.

III. Prindle - the PC needs to consider whether or not that if the Township, in the future, allows something different than just extraction (for example a recycling center of sorts) that this would need to be outlined. Noted by Hinkle that when the mine is exhausted that the reclamation plan would be completed and all import activities would cease. All agreed that the special conditions needed to be amended to require the completion of the reclamation plan if the mine is exhausted, The Commission is requesting a new site plan with conditions by Wednesday (August 21).

#14 - Ducey suggested that instead of a three-year renewal, it be a five-year renewal with conditions to be able to ensure the community that what's being said is being done, is *actually* what's being done. Reviewing the conditions annually is not an uncommon practice. Prindle will come up with the wording and provide to Doug to provide to Burrell by Monday (August 19th).

- Annual review, with written report provided, by the Zoning Enforcement Officer (currently Brian Sturgill), Zoning Administrator (currently Doug Lammers) and a PC member. This report will include:
 - Is Target staying on track?
 - Monitoring Target's actions
 - Is Target doing what they say they're doing?
 - How is everything being handled and managed
- #12 - Additionally, the opportunity is included in the conditions for Township officials to enter the property as needed for either inspection to ensure compliance (or to follow up on a complaint).

Ducey offered that Hinkle, Prindle, Lammers and he had attended a Michigan Township Association (MTA) education seminar the night before and that one of the topics was mining. It was a very enlightening experience and each of them walked out of the seminar with additional knowledge. He wanted to know that they were trying to get educated on the subject and do a better job as PC members for the public

- #13 - Discussion of what the enforcement actions repercussion should be taken if violations occur (e.g. trucks are loading at 6:00 am instead of 7:00 am). Again, initiating actions with or without fines and increasing repercussions (up to invalidating the SUP) is not an uncommon practice in outlining the necessary steps in obtaining agreement compliance. Discussion to add to the Site Operational Notes under item #13. Ducey & Prindle will draft something together for a tiered approach and get it to Doug to get it to Brian Sturgill for his thoughts by Monday so that it can be incorporated into the updated Site Operational Notes. Important to note that a complaint is *not* a violation.

IV. #9 - Burrell is concerned that for *hours of operations* - that he does not have control over *all* the trucks utilizing the site to make sure that they don't arrive before 7:00 am. Other townships have allowed him to let the trucks in at 6:00 am to get them off the road, but not load or open the departure gate until 7:00 am. Brennan insisted Burrell get firm with the drivers and send out info not to show up

before 7:00 am as he's taking heat from the township. Burrell said he does this, but he doesn't have control of all drivers and sometimes they show up any way. Other issues become that the drivers will pull up alongside the road elsewhere or on the off ramp etc., which leads to other problems. That's why it's important to get them off the road. Discussion.

- V. #2 – Burrell proposed, and took the initiative on the Site Operational Notes to raise the restoration bond from \$50,000 to \$100,000. Warbritton stated that he understood that reclamation was done on an on-going basis but wondered if \$100,000 would cover the whole reclamation. Burrell responded that during annual inspections, it would be his goal to show that reclamation was occurring and that the bond would consistently decrease as the areas needing reclamation decreased. The engineer is usually in control of that determination. Over half of the mining site is currently being farmed.

- VI. #10 – Discussion on dust control measures and any concerns over dust issues when driving down Bohne Rd, the phone # listed on the sign can be used and Target will clean the road. Burrell stated that there are additional measures that Target will do to try and control the dust issue between the asphalt shoulder and the initial two feet of the pit entrance. The PC acknowledged that controlling the dust would take away a lot of the complaints. Burrell said that a lot of township's handle any complaints by calling the Road Commission. If the Road Commission gets to his site before he cleans the road, they will give him a fine for what it would cost them to clean the road. That fine continues to go up for each subsequent violation in the calendar year.

Lammers stated that once the Site Operational Notes are updated by Burrell, it will be provided to the planner and attorney for review. The attorney will provide both motions to the PC so that they're ready next Thursday with either decision – A Motion to Approve the SUP Renewal and A Motion to Deny the SUP Renewal.

7. PUBLIC COMMENT

- Lammers read the attorney's response to a question at the last meeting regarding the splitting of the property the SUP was approved for. It was reiterated that the SUP goes with the legal description of the property approved in the SUP and not the parcel number itself.
- Comments were heard by several members of the public addressing concerns over the SUP renewal, exactly what area it covers, how long the pit will actually be in operation, availability of access to maps and supplemental conditions and what's the difference between a new and renewal.
 - *Note – all of the SUP material answering all of these questions (except for length of operation) have been and continue to be available at the Township Offices.*
- Comments were heard regarding the complaint process at the Township and wanting to submit electronically with a form found on the website. If complaints are to be in writing, who are they to be addressed to? Will action be taken on a verbal complaint? It was reiterated that we now have an Enforcement Officer and also that submitting date stamped pictures or information to substantiate the complaints are both a big help in the process.
 - *Note – the complaint form HAS BEEN and IS available on the Township's website under Ordinances/Public Complaint Form.*
- Appreciation was stated for the PC member's time and honest effort that has been put into this renewal process.

8. TOWNSHIP BOARD REPORT

- Approved the Little Pleasant Lake Weed Assessment Resolution
- Started the process on approving the Grass Lake Weed Assessment
- Dale Lucas & Todd Keszler were appointed to the Planning Commission
- Discussion on establishing salary for the PC recording secretary

Prindle had one last thought for discussion on going forward with the gravel pit issue – although she appreciates that Target is willing to dial down the crushing, she feels it still poses a health risk and perhaps going forward consideration should be given to extracting and using native material only and not necessarily crushing concrete. Ducey responded that if you were to visit the pit, because of the way they process you would see no dust coming off the concrete. Discussion.

9. OLD BUSINESS

Rezoning Project –

- The LI/HC rezoning was submitted to Region 2 and has been received with approval, with minor comments. The Township Board will add to their agenda for adoption or to send back to the PC for modifications. Appreciation was stated by Lammers to the PC for getting this project started, listening to the public comments and getting the verbiage submitted to Region 2.
- The remaining parcels proposed for changes were tabled.

10. **NEXT MEETING** - August 22, 2019 at 7:00 pm Special Meeting at the Township Hall for a Public Hearing on renewing Target Trucking's request for renewal of their SUP for the Bohne Rd gravel pit.

11. **GENERAL DISCUSSION** - None

12. ADJOURNMENT

Moved by Brennan and supported by Ducey to adjourn the meeting at 9:10 pm. All ayes, one absent, motion carried